

Town of Amherst
Zoning Board of Appeals - Special Permit

DECISION

Applicant: Amherst Farm Winery

Property owner: Audrey Samek
3305 Greenwich Road, Ware, MA 01082

Date application filed with the Town Clerk: August 6, 2010

Nature of request: To establish a winery/Class II farm stand, under Section 3.3121 and resident on-site manager under Section 5.016 of the Zoning Bylaw

Address: 529 Belchertown Road (Map 18D, Parcel 52, PRP Zoning District)

Legal notice: Published on September 22, 2010 and September 29, 2010 in the Daily Hampshire Gazette and sent to abutters on September 22, 2010

Board members: Tom Simpson, Barbara Ford, Tom Ehrgood

Town Staff: Jeffrey Bagg, Senior Planner, David Waskiewicz, Building Inspector

Submissions:

- ZBA application, filed August 6, 2010;
- Project Summary, dated July 23, 2010;
- Management Plan, dated July 23, 2010;
- Winery overview & process;
- Proposed site plan, dated July 23, 2010;
- Proposed floor plan, dated August 16, 2010;
- Proposed sign plan;
- Lighting fixture details.
- SPR 2004-00005 for winery under Section 3.372.2;
- Article 8, Farm stand amendment, May 2007;
- Town GIS Zoning & Context map;
- Three (3) photo renderings of the barrel sign, submitted on October 7, 2010;
- Documentation regarding \$1,000 per acre;
- Preliminary land transfer survey;
- Kopelman & Paige letter, dated May 2, 1997, regarding the effective date of Zoning Amendments;
- Revised floor plans, prepared by Austin Design, revised November 18, 2010;
- Site photographs of the barrel sign, prepared by staff, dated November 19, 2010.

Submitted by Town staff:

- Fire Department review letter, dated September 29, 2010;
- Agricultural Law Memo, dated August 9, 2010;
- Fall 2010 proposed farm stand Zoning Amendment;

Site Visit: October 5, 2010

Tom Simpson, Barbara Ford and Tom Ehrgood met the applicant, Audrey Samek, and Landscape Architect, Joan Rockwell at the site. The Board members observed the following:

- The location of the property along the west side of Belchertown Road, Route 9, containing two curb cuts.
- The exterior of the property which contains an existing paved entrance and cul-de-sac area, existing parking areas, and existing vegetation including numerous mature trees.
- The exterior of the existing structures consisting of a one and two-story attached barn, farmhouse, loading dock and exterior deck.
- The interior of the existing structures including the residential area of the farmhouse, the area to be used for wine brewing, tasting areas, exterior deck and upstairs.
- The proposed “barrel sign” located on a trailer at the back of the property.
- The approximate location of the south, west and north property lines as well as the approximate location of the street right-of-way.

Public Hearing: October 7, 2010

Audrey Samek was accompanied by her husband, John Samek, and Joan Rockwell, Landscape Architect.

Mr. Simpson clarified that the applicant is seeking approval of a winery under Section 3.3121, Class II farm stand, of the Zoning Bylaw and that the minimum size requirement for properties is currently 5 acres. He explained that Amherst Town Meeting will be considering an amendment to the Zoning Bylaw to lower the size requirement to two (2) acres, under certain circumstances. This proposed amendment is based upon a recent change to Massachusetts General Law, Chapter 40A, Section 3. He acknowledged that the applicant intends to acquire enough additional land to make the property 2 acres. However, he noted that the Zoning Board of Appeals cannot render a decision until after a vote of Town Meeting. If Town Meeting does not approve the amendment, the applicant may be required to withdraw the application or acquire additional land.

The Board members agreed to begin receiving information and evidence and then continue the public hearing to a new date after the vote of Town Meeting.

Ms. Rockwell stated the following:

- The applicant currently owns 1.67 acres and will be purchasing 0.33 acres to result in a property of 2 acres, more or less.
- The additional acreage will come from an adjacent property owned by Gordon Hall. The location and configuration of the new land is tentative, but is shown approximately on the site plan as “future agricultural expansion” areas.
- The winery will produce, bottle, store and sell the wine on the premises. In addition, there will be wine tastings, educational tours, and the selling of wine related gifts. A small vineyard will be established along the southern end of the property as shown on the site plan. The area would be cleared of the vegetation which mostly consists of invasive species and overgrowth. A vineyard requires about three (3) years to mature; therefore, the initial product grown on site will be rhubarb, from which a wine can be made. This is intended to satisfy the requirement for \$1,000 dollars worth of product produced on-site in the first year and every year.

- 100% of the wine sold will be produced (fermented & bottled) on-site. Most of the grapes will either be grown on the subject property or on other property owned or leased by the applicant.
- The hours of operation will be seven (7) days a week from 10:00 a.m. to 7:00 p.m.
- The application is only for Phase I. It will consist of minimal improvements to the existing buildings, utilization of the first floor of the barn and outdoor patio area for the winery, and the farmhouse as living quarters for an on-site residential manager.
- Phase II may include special events such as bridal showers, brunches, weddings, business meetings and other similar events.
- A Farm Winery license is required for both phases.
- Two (2) signs would be incorporated into the project. One (1) of the signs is a freestanding sign, similar to a blackboard style, where daily events can be shown. This sign would be positioned on the two existing posts within the street right-of-way and is not within the jurisdiction of the Zoning Board, but instead must be approved by the Select Board. The second sign is an old wine cask, a signature of the winery, and is considered a monument sign. The cask measures seven (7) feet tall/diameter by seven (7) feet wide and is larger than what is allowed in the Zoning Bylaw. The sign would be located 23 feet from the front setback line and would be set within a cradle on the ground. It would have the lettering for "Amherst Farm Winery" on both barrel ends. A series of photographic renderings of the barrel have been provided to illustrate the size and scale of the sign relative to the surroundings and to Belchertown Road. The purpose of the sign is to add character to the property and communicate to the public that a winery operates on the property.
- The new lighting will consist of four (4), 14-foot downcast pole lights to illuminate the parking areas and four (4) 10 foot downcast pole lights to illuminate pedestrian walkways;
- Trash will be stored next to the loading dock area and all plant waste will be composted.
- Parking was calculated using the assembly use requirements found in Section 7.002 of the Zoning Bylaw. Based upon the square footage of public space approximately 40 parking spaces are required. Another two (2) parking spaces are required for the managers dwelling. The proposal provides four (4) handicap spaces accordance with Section 7.6.
- The traffic circulation on-site will be one way, with vehicles entering close to the farmhouse and exiting through the curb-cut closer to Hall Drive.
- Buses entering the site would come in the entrance, drop off guests, then turn as a fire truck would, backing into the paved parking area at the rear of the property. Ms. Samek stated that buses will be scheduled by reservations and there will only be one (1) bus at a time.
- A bicycle rack is provided near the main entrance.
- Truck deliveries will occur approximately once per month for wine making supplies. In addition, a tractor-trailer truck will deliver bottles to the site approximately twice per month.
- The site has existing and mature landscaping on-site which the applicant will be enhancing by clearing overgrowth and/or invasive species in the areas where vines or other produce will be grown.
- The owners obtained approval from the Planning Board in 2004, SPR2004-00005, for the same project. The permit lapsed and in the meantime, the Zoning Bylaw changed to create the Class I and Class II farm stand sections, under which the proposal is now classified.

Mr. Simpson asked whether there would be a lumen plan to determine that the lighting is adequate and noted that the eight (8) space parking area looks like it would be under-served. Ms. Rockwell stated that a photometric plan would likely be created once the fixture is chosen and that there is an existing pole light on Belchertown Road that will help illuminate that section.

Ms. Ford asked about the size of the manager's unit. Ms. Rockwell stated that one room on the first floor will be used as an office for the winery and should not have been included in the calculation shown on the floor plan. The actual size of the residential unit is 661 square feet which meets the 10% size limitation in Section 5.016. A revised calculation, or depiction of the residential unit, was requested. Staff noted that Section 5.016 allows for the Board to permit a residential unit larger than 10%.

Mr. Simpson asked where the compost pile will be located. Ms. Samek stated that the compost waste is only produced seasonally and will be stored next to the loading dock. Excess amounts of compost material could be taken off site.

Mr. Ehrgood noted that the site plan does not demark the parking spaces. Ms. Rockwell stated that the parking spaces are measured and that the actual parking spaces will be marked with paint. Mr. Simpson asked about the screening identified in the Site Plan Review approval. Ms. Rockwell noted that the parking area in question is actually below grade and that headlights from vehicles would be blocked.

Mr. Simpson asked about the fire lanes requested by the Fire Department. Ms. Rockwell stated that fire lanes would be painted on the paved areas in the vicinity of the building.

Jay Levy, 34 Logtown Road, spoke regarding the application. His statements are summarized as follows:

- There are a number of lighted signs along Belchertown Road in the vicinity. The lights for the signs should be extinguished after the standard operating hours. The up-lighting on the chalkboard sign should be focused onto the sign and should be turned off when the winery is closed.

Alan Snow, 17 Logtown Road, spoke regarding the application. His statements are summarized as follows:

- He has lived at his address for 12 years, during which time there have been two (2) fatal accidents in this area.
- The intersection of Hall Drive is the first area where drivers begin to slow down and asked whether the exit could be realigned so that it connects with Hall Drive. This would reduce the number of places where vehicles would be entering Belchertown Road.
- He requested that any buses parked on the property not idle for extended periods of time.

Ellen Stutsman, of Prudential Sawiki Real Estate, spoke regarding the application. Her statements are summarized as follows:

- She is not an abutter, but rather is a business associate of the Hall family.
- She stated that Mr. Hall had contacted her and requested that she speak on his behalf, in support of this project.

Ms. Samek reviewed the wine making process as outlined in the submitted "Winery overview & process document". Her statements are summarized as follows:

- The grapes are harvested in late September and early October and will be de-stemmed on-site with all organic waste composted.
- The wine will be fermented in stainless steel tanks and all bottling will be done on-site.

- There are no petroleum based products or solvents used for cleaning. The grape residue is considered an agricultural waste.

Ms. Ford asked about the length of time needed to produce mature vines on the property. Ms. Samek explained that it would be three (3) years until the grapes are harvested and used to make wine. She added that the plants will produce fruit the first and second year, but that the fruit is pinched to encourage larger yields.

Mr. Bagg asked for clarification regarding handicap accessibility to the building. Ms. Samek explained that there will be a handicap accessible walkway to the front of the building as part of phase I. Mr. Waskiewicz noted that there may be accessibility requirements for more than one entrance.

Mr. Simpson expressed concern with the location and effectiveness of the monument sign. The Board members confirmed that without lettering the wine barrel would be a structure, subject to setbacks only. The Board asked whether the lettering was necessary. Ms. Samek stated that the lettering on the wine barrel would say "Amherst Farm Winery" and is important in order to identify the winery. Mr. Bagg asked if there was any way to place the barrel on or near the proposed location to help the Board visualize it. Ms. Samek stated that they could try to do this.

Mr. Simpson MOVED to continue the public hearing. Ms. Ford seconded the motion and the Board VOTED unanimously to continue the public hearing to November 18, 2010.

Continued Public Hearing: November 18, 2010

The applicant was accompanied by Bill Austin, Architect. Updated floor plans and site plan were presented.

Mr. Simpson stated that on November 8, Town Meeting voted to amend Section 3.3121 of the Zoning Bylaw to allow a two (2) acre minimum lot size based on the percentage of agricultural product produced on a property and on land in Massachusetts.

Ms. Samek stated that she has drafted a purchase and sale agreement to acquire 0.33 acres of adjacent land to create a two (2) acre lot.

The purchase and sale agreement would be finalized once the ANR process has been completed with the Planning Board. She stated that the 15% threshold of products produced in Massachusetts can be met by the 7 acres of grapes grown on their Hardwick property. Those grapes will be used to produce the wine sold at the winery.

Mr. Ehrgood reviewed the threshold requirements of Section 3.3121 and asked the applicant if she has any experience using or selling a rhubarb wine. Ms. Samek stated that she currently produces a special blend using rhubarb and is confident that she can produce the required \$1,000 per acre with style wine.

Mr. Austin indicated that the caretaker's unit is approximately 620 sq. ft. and meets the maximum size limitations of 10% of the floor area as per Section 5.016 of the Zoning Bylaw.

Ms. Samek submitted three (3) photograph renderings of the wine barrel superimposed in the approximate proposed location. Mr. Ehrgood stated under Section 8.41, the Board must make findings that an oversized sign will “*serve the public convenience, will not endanger the public safety, and will be of such a size, location, and design as will not be detrimental to the neighborhood*”. Ms. Ford confirmed that the sign would need to be located in accordance with the location shown on the site plan. She noted that the design of the sign has changed since the original submission and requested the applicant submit a final plan showing the size of letters and clarification on the colors.

Mr. Ehrgood MOVED to close the public hearing. Mr. Simpson seconded the motion and the Board VOTED unanimously to close the public hearing.

Mr. Simpson MOVED to continue the public meeting deliberation to November 30th, 2010 at 7:30 p.m. Ms. Ford seconded the motion and the Board VOTED unanimously to continue the public meeting.

Continued Public Meeting: November 30, 2010

Audrey Samek was present. Two (2) photographs of the barrel, taken by Town staff, and a document identifying compliance with the \$1,000 per acre threshold, prepared by the applicant, were provided.

Ms. Ford was late for the meeting. Mr. Simpson and Mr. Ehrgood reviewed and discussed the additional information necessary to issue the permit and possible conditions on the permit.

Mr. Simpson stated that a copy of the deed showing the transfer of land, filed at the Registry of Deeds, must be submitted to the Board at a public meeting. Mr. Bagg recommended that the Board condition the permit to require the deed be submitted prior to issuance of a Certificate of Occupancy.

The Board members reviewed the threshold requirements of Section 3.3121 of the Zoning Bylaw. Ms. Samek stated that mature rhubarb plants will be planted in the early spring and will be harvested in July, August or September. She stated that the grapes will also be planted in the spring but that it will be three (3) years before they are harvested. The grapes would be harvested in early October.

Mr. Simpson read Section 3.3121:

For produce grown during June, July, August & September of every year, or during the harvest season of the primary crop(s) raised on land of the owner or lessee, at least 15% of the products for sale shall be produced by the owner or lessee of the land on which the facility is located. For produce generated without regard to seasons, at least 15% of such products for sale, based on either gross annual sales or annual volume, have been produced by the owner or lessee of the land on which the facility is located, and at least an additional 50 percent of such products for sale, based upon either gross annual sales or annual volume, have been produced in Massachusetts on land, other than that on which the facility is located, used for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture (including the growing and keeping of nursery stock and the sale thereof), floriculture or viticulture, whether by the owner or lessee of the land on which the facility is located or by another.

Ms. Samek stated that she owns 7 acres of land in Hardwick which is used to grow grapes and she also leases a section of a bog for the production of cranberries. She stated that she can meet the required thresholds under these arrangements. The operation in Hardwick operates under a Farm Winery License issued by the State of Massachusetts. Under that license, the operation is required to have 50% of products sold produced on land within the state.

Mr. Ehrgood stated that, under Section 3.3121, only 15% of the products sold must be produced on land owned by Ms. Samek – not necessarily on the subject property - and that the other 50% must be produced on land in Massachusetts – regardless of ownership.

Mr. Ehrgood noted that the numbers under discussion are projections and asked whether the permit should be conditioned to require documentation be submitted annually. Mr. Bagg recommended the timeframe be established at least three (3) years from issuance to ensure that the numbers would reflect the produce from mature grapes.

Ms. Samek stated that she is not required to submit information to the State, but would need to be able to prove that the threshold for the Farm Winery License if the operation is audited. Mr. Simpson asked whether the Board needs to review the documentation each year or whether the permit should be conditioned that the thresholds are met. He stated if there were questions whether the requirements were being met, the Building Commissioner would need to investigate and possibly require the applicant to submit documentation. A general condition would essentially require the thresholds be met on a continual basis or the applicant would risk losing the permission to operate the facility.

Mr. Ehrgood stated that based on the applicant's experience operating a winery, and the ability of the Building Commissioner to enforce the thresholds if there is an issue, he believes a condition is sufficient. Mr. Simpson agreed that requiring information be submitted on yearly basis would be laborious and seemed unnecessary.

The Board concluded that issues that could not be resolved by the Building Commissioner could be brought back before the Board at a public meeting.

Mr. Bagg noted that the condition may benefit from including language which states that the Building Commissioner and/or owner may bring forth information to the ZBA at a public meeting – in the event of a discrepancy. The Board believed that the language wasn't needed, as the process could allow a question to be presented to the Board at a public meeting.

The Board requested the following information be provided:

- A photometric plan showing the location of light fixtures, lumen strength and lighting coverage on walkways and parking areas.
- An updated site plan depicting each individual parking space.
- A full size set of floor plans.

The Board discussed the difference between Phase I and Phase II of the project. The Board determined that this permit applies only to Phase I and that any substantial changes to the nature of the use would require modification of this permit. Mr. Simpson expressed some concern as to whether Phase II would be allowed under the Zoning Bylaw and that the issue would need to be explored further, if an application for Phase II is submitted.

Mr. Bagg noted that the Planning Department had recommended to the applicant that they inform the Board that there may be additional accessory uses in the future. He confirmed that any changes to implement Phase II would require modification of the permit.

Specific Findings:

The Board found under Section 10.38 of the Zoning Bylaw, Specific Findings required of all Special Permits, that:

10.380 and 10.381 - *The proposal is suitably located in the neighborhood in which it is proposed, as deemed appropriate by the Special Permit Granting Authority.* The proposal will be located in an existing barn and old farmhouse structure separated by open fields, woods and in the vicinity of a mixture of office, commercial and residential land uses.

10.381 - *The proposal is compatible with existing Uses and other Uses permitted by right in the same District.* The proposal is a farm stand and agricultural use which is compatible with other land uses in the PRP District and is adjacent to other farm operations and agricultural land.

10.382 & 10.385 - *The proposal would not constitute, and/or reasonable protects against nuisances due to air and water pollution, flood, noise, odor, dust, vibration, lights, or visually offensive structures or site features.* The property will utilize Town water and sewer and the permit will prohibit the disposal of waste products into the sewer system. All exterior lights will be downcast and controlled by a timer. The proposed agricultural use will not create any additional odors or dust.

10.383 - *The proposal would not be a substantial inconvenience or hazard to abutters, vehicles or pedestrians.* The proposal is conveniently located along Belchertown Road. The winery's location is within the existing building and the new monument sign is set back far enough from the road to not create any inconveniences or hazards to abutters, vehicles. There are no sidewalks along Belchertown Road and therefore little or no impact to pedestrians.

10.384 - *Adequate and appropriate facilities would be provided for the proper operation of the proposed use.* The actual wine production area is adequate to meet the need of the proposed operation. The main area within the Barn has sufficient room for wine tastings and small gatherings. The property is 2 acres in size and contains enough area to grow a mix of grapes and other produce for the creation of wine. The proposal will also meet the threshold requirements of Section 3.3121 of the Zoning Bylaw.

10.385 - *The proposal reasonably protects the adjoining premises against detrimental or offensive uses on the site, including air and water pollution, flood, noise, odor, dust, vibration, lights or visually offensive structures or site features.* There is no air or water pollution associated with the production of wine. Water (but not other solids) used during the process of making wine will be deposited into the existing municipal sewer system. The project is not in the flood zone, will not create dust as there is no new construction or outside on-going industrial activities. Lighting has been described above as has visual compatibility.

10.386 - *The proposal ensures that it is in conformance with the Parking and Sign regulations (Articles 7 and 8, respectively) of this Bylaw.* The project meets the parking requirements of Section 7.002 of the Zoning Bylaw. The large barrel sign was approved under the findings of Section 8.41 of the Zoning Bylaw.

10.387 - *The proposal provides convenient and safe vehicular and pedestrian movement within the site, and in relation to adjacent streets, property or improvements.* Vehicular circulation for this project has been improved by proposing a one way traffic flow through the site. The entrance, exits and fire lane will be marked. The site has been designed so that large vehicles, both buses and fire apparatus, can drive through the property. There are entrance walks and ramps within the project site at the building entrance.

10.396 - *The proposal provides screening for storage areas, loading docks, dumpsters, rooftop equipment, utility buildings and similar features.* The storage area, loading docks and dumpsters are all located behind an existing wood fence that is screened both from on-site visitors and outside the site. The Amherst Farm Winery has plenty of delivery circulation room for weekly and monthly truck deliveries. There is a loading dock at first floor level located to the east side of the building that is separate and shielded from parking and pedestrian circulation.

10.389 - *The proposal provides adequate methods of disposal and/or storage for sewage, refuse, recyclables, and other wastes resulting from the uses permitted or permissible on the site, and methods of drainage for surface water.* Any waste organic material from the wine making will be composted and added directly to the plants. Trash will be located in dumpsters outside the wine production room. Refuse removal will be privately contracted and the property is connected to Town sewer.

10.392 - *The proposal provides adequate landscaping, including the screening of adjacent residential uses, provision of street trees, landscape islands in the parking lot and a landscape buffer along the street frontage.* The property has an abundance of mature trees and shrubs which will not be altered except to remove overgrowth and/or invasive plants.

10.393 - *The proposal provides protection of adjacent properties by minimizing the intrusion of lighting, including parking lot and exterior lighting, through use of cut-off luminaires, light shields, lowered height of light poles, screening, or similar solutions.* The exterior site lighting is all downcast and shielded to prevent glare and degradation of night sky quality. A photometric plan has been required to ensure that the lighting is adequate to light the parking areas and the permit is conditioned to require lights be turned off after the hours of operation.

10.395 - *The proposal does not create disharmony with respect to the terrain and to the use, scale and architecture of existing buildings in the vicinity which have functional or visual relationship thereto.* The project will be utilizing existing structures with no new structures anticipated. The project includes the addition of a small vineyard and agricultural area that will maintain the existing harmony of the existing buildings and surroundings.

10.398 - *The proposal is in harmony with the general purpose and intent of this Bylaw, and the goals of the Master Plan.* The proposal is in keeping with the intent to encourage the development of agricultural land use, small business development, the re-use of existing buildings and sustainable land use practices. All of these components are supported by the Town of Amherst through the Zoning By-Laws as well as the Amherst Master Plan.

Section 8.41 – The Board finds that the oversized sign will benefit the public convenience by offering a clear symbol of the use of the site and large lettering which will be easily seen. The location, size and design of the sign will not endanger the public safety because the sign is set back a substantial distance from Belchertown Road and will not obstruct the view of passing motorists or those entering or leaving the site. The size of the barrel, although oversized, is an important aspect of identifying the use of the site as a winery.

Based upon the existing and proposed landscaping, shown on the site plan prepared by Joan Rockwell & Associates, dated July 23, 2010, Mr. Simpson moved to WAIVE the landscape requirements of Section 7.111 of the Zoning Bylaw. Mr. Ehrgood seconded the motion and the Board VOTED unanimously to waive the landscape requirements of Section 7.111.

Public Meeting – Zoning Board Decision

Mr. Simpson moved to APPROVE the application with conditions. Mr. Ehrgood seconded the motion.

For all of the reasons stated above, the Board VOTED unanimously to grant a Special Permit, ZBA FY2011-00007, for the operation of a Class II farm stand and winery, known as Amherst Farm Winery, with an accessory dwelling unit, under Sections 3.3121 and 5.016 of the Zoning Bylaw, as applied for by Audrey Samek, at 529 Belchertown Road (Map 18D, Parcel 52, PRP Zoning District), with conditions.

TOM SIMPSON

BARBARA FORD

TOM EHRCOOD

FILED THIS _____ day of _____, 2011 at _____,
in the office of the Amherst Town Clerk _____.

TWENTY-DAY APPEAL period expires, _____ 2011.

NOTICE OF DECISION mailed this _____ day of _____, 2011
to the attached list of addresses by _____, for the Board.

NOTICE OF PERMIT or Variance filed this _____ day of _____, 2011,
in the Hampshire County Registry of Deeds.

Town of Amherst
Zoning Board of Appeals

SPECIAL PERMIT

The Amherst Zoning Board of Appeals hereby grants a Special Permit, ZBA FY2011-00007, for the operation of a Class II farm stand winery, known as Amherst Farm Winery, with an accessory dwelling unit, under Sections 3.3121 and 5.016 of the Zoning Bylaw, as applied for by Audrey Samek, at 529 Belchertown Road (Map 18D, Parcel 52, PRP Zoning District), with the following conditions:

1. Prior to a Certificate of Occupancy, the following information shall be reviewed, and approved, by the Zoning Board of Appeals at a public meeting:
 - a. A copy of the deed, recorded at the Registry of Deeds, showing the transfer of land necessary to create a property of at least two (2) acres;
 - b. A revised site plan (based on the site plan prepared by Joan S. Rockwell & Associates, dated July 23, 2010) showing individual parking spaces and the final configuration of the entire two (2) acre parcel;
 - c. A photometric plan showing the location of light fixtures, lumen strength and light coverage;
 - d. A full size, scaled set, of the floor plans, last revised November 18, 2010 and elevations, dated August 16, 2010;
 - e. A final color rendered sign plan for the oversized barrel sign. The plan shall identify colors, materials, location of lettering, and the location and type of lighting to be used.
2. The use shall comply with the applicable requirements of Section 3.3121 of the Zoning Bylaw, Class II farm stand, and shall be met on a continuous yearly basis.
3. The hours of operation shall be from 10:00 a.m. to 7:00 p.m., seven (7) days per week.
4. The use of the interior spaces shall be used substantially in accordance with the floor plans prepared by Austin Design, last revised November 18, 2010.
5. The parking lot lights and any non-essential exterior lights, including the lights for the oversized barrel sign, shall be downcast, controlled by a timer, and extinguished ½ hour after the close of business.
6. The winery use shall be operated substantially in accordance with the Management Plan, dated July 23, 2010.

7. In accordance with the Fire Department review, dated September 29, 2010, the driveway along the north east sides of the building shall be designated fire lanes and marked to prevent parking and blocked access to the building.
8. All parking spaces shall be marked on the pavement and shall be maintained in good condition as to clearly delineate each parking space.
9. Any waste product produced from the site, such as grape skins or other solids, shall not be disposed of into the municipal sewer system.
10. The farm manager's dwelling unit shall be no larger than 620 square feet, or 10% of the gross floor area of the entire building, in accordance with Section 5.016 and shall be used in accordance with the floor plans, prepared by Austin Design, last revised November 18, 2010.
11. This permit shall apply only to Phase I of the project, as described in the submitted materials. Any substantial changes to the nature of the operation shall require modification of this permit.

Tom Simpson, Chair
Amherst Zoning Board of Appeals

DATE